



COMMONWEALTH of VIRGINIA

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State Health Commissioner

Department of Health
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April 23, 2020

WAIVER OF 12VAC5-220-230(D): PUBLIC HEARING FOR CERTIFICATE OF PUBLIC NEED APPLICATIONS

On March 12, 2020, Governor Ralph Northam declared a state of emergency due to novel coronavirus (COVID-19). In the declaration, Executive Order 51, the Governor directed state agencies to render appropriate assistance to prepare for and mitigate the effects of the coronavirus (COVID-19) outbreak. In doing so, he ordered authorization for the heads of executive branch agencies, on behalf of their regulatory boards as appropriate, and with the concurrence of their Cabinet Secretary, to waive any state requirement or regulation.

On March 23, 2020, Governor Northam issued Executive Order 53, which prohibited all public and private in-person gatherings of more than ten individuals. On March 30, 2020, Governor Northam issued Executive Order 55, which ordered that all individuals in Virginia remain in their place of residence, with some limited exceptions.

Requirement: Subsection D of 12VAC5-220-230 states, in relevant part, "Such notification [of a public hearing for a certificate of public need (COPN) application] by the regional health planning agency shall include: (i) the date and location of the public hearing which shall be conducted on the application except as otherwise provided in this chapter, in the county or city wherein a project is proposed or a contiguous county or city and (ii) the date, time and place the final recommendation of the regional health planning agency shall be made."

Waiver: Notwithstanding 12VAC5-220-230(D), during the state of emergency declared by Executive Order 51, the public hearing required to be held on an application for a certificate of public need is not required to be held in the county or city where a project is proposed or a contiguous county or city and may instead be conducted by teleconference. If the public hearing is conducted via teleconference, notice shall be provided in accordance with Virginia Code § 32.1-102.6(B) and 12VAC5-220-230(D) and shall include the date and time of the teleconference and the phone number and any entry code needed to participate and provide testimony during the teleconference.

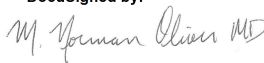
Waiver: Public Hearing for COPN Applications

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Questions regarding this document or the information contained within should be addressed to the Director of the Office of Licensure and Certification, Robert A. K. Payne, JD, by email at Robert.Payne@vdh.virginia.gov or by phone at (804) 367-2102.

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